

ESTTA Tracking number: **ESTTA478751**Filing date: **06/19/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Rock Creek Group, LP		
Entity	limited partnership	Citizenship	Delaware
Address	1133 Connecticut Avenue, N.W. Suite 810 Washington, DC 20036 UNITED STATES		

Attorney information	Michael J. Bevilacqua, Esq. Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 UNITED STATES michael.bevilacqua@wilmerhale.com Phone:617 526 6000
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Applicant Information

Application No	85433339	Publication date	05/22/2012
Opposition Filing Date	06/19/2012	Opposition Period Ends	06/21/2012
Applicant	Rock Creek Global Advisors LLC Suite 1120 1401 I Street. N.W. Washington, DC 20005 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. First Use: 2011/11/01 First Use In Commerce: 2011/11/01
All goods and services in the class are opposed, namely: Business consulting services, namely, consulting for persons, businesses and governments in the fields of national and international economic and regulatory policy, cross-border transactions, and strategic business alliances, all for support of global business operations

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85595470	Application Date	04/11/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE ROCK CREEK GROUP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2003/01/00 First Use In Commerce: 2003/01/00 financial services, namely, financial management services, investment management services, investment advisory services, asset portfolio management services, securities trading services, creating portfolios of emerging fund managers for investors, developing customized portfolio solutions, providing dynamic asset allocation services, providing risk budgeting, risk aggregation and risk management services, conducting fund, manager investment and operational due diligence, transition management services for investors restructuring portfolios and providing temporary use of non-downloadable computer programs, databases and analytical tools for use in investment and asset management, asset and risk allocation, fund and manager due diligence, portfolio construction, risk measurement, operations and investor communications

Attachments	85595470#TMSN.jpeg (1 page)(bytes) rock creek global advisors llc NOP.PDF (6 pages)(345710 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/barbara a. barakat/
Name	Barbara A. Barakat
Date	06/19/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/433339

Published in the Official Gazette at TM 960 on May 22, 2012

The Rock Creek Group, LP,)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
Rock Creek Global Advisors LLC,)	
)	
Applicant)	

BOX TTAB/FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

The Rock Creek Group, LP, a limited partnership organized and existing under the laws of Delaware, located and doing business at 1133 Connecticut Avenue, N.W., Suite 810, Washington, DC 20036 (hereinafter “Rock Creek Group”), believes that it will be damaged by the registration of the trademark “ROCK CREEK GLOBAL ADVISORS LLC & Design” as shown in Application Serial No. 85/433339, filed September 27, 2011, by Rock Creek Global Advisors LLC (hereinafter “Applicant”), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant seeks registration on the Principal Register of the trademark “ROCK CREEK GLOBAL ADVISORS LLC & Design” for use in connection with business consulting services, namely, consulting for persons, businesses and governments in the fields of national

and international economic and regulatory policy, cross-border transactions, and strategic business alliances, all for support of global business operations, as evidenced by the publication of said trademark in the May 22, 2012 issue of the Official Gazette.

2. Rock Creek Group is now, and has been for some time, engaged in financial management, asset management, investment and local and global advisory services to large national and international institutional investors, including sovereign wealth funds, state and local pension plans, corporations, foundations and endowments. Rock Creek Group has built a successful, Washington D.C.-based asset management and advisory business. Rock Creek Group's client base is comprised exclusively of major institutions spanning the public, private and nonprofit sectors in North America, Asia and Europe. All of these clients are affected by global financial and economic developments and by the policy decisions taken in Washington, D.C. in the federal government and in major international financial institutions such as the World Bank and the IMF. These clients engage Rock Creek Group's services in substantial part because its personnel have extensive experience in these matters and can provide policy and strategy advice in addition to the services of an SEC-registered investment adviser. Rock Creek Group provides clients with strategic advice on a broad array of economic and policy issues alongside its suite of asset management services. As a result, there is substantial overlap in the pool of existing and potential clients with that of the Applicant.

3. To provide its global financial management, asset management and advisory services, Rock Creek Group is a registered SEC advisor and utilizes many former World Bank senior officers and directors to provide its services to its clients.

4. Rock Creek Group adopted the mark "THE ROCK CREEK GROUP" in connection with the services set forth in paragraph 2 since at least as early as January 2003, and

has been using the mark in connection with those services ever since. Such use has been valid and continuous since the date of first use and has not been abandoned.

5. Rock Creek Group is the owner of pending United States trademark application Serial No. 85/595470 for the mark THE ROCK CREEK GROUP for use in connection with financial services, namely, financial management services, investment management services, investment advisory services, asset portfolio management services, securities trading services, creating portfolios of emerging fund managers for investors, developing customized portfolio solutions, providing dynamic asset allocation services, providing risk budgeting, risk aggregation and risk management services, conducting fund, manager investment and operational due diligence, transition management services for investors restructuring portfolios and providing temporary use of non-downloadable computer programs, databases and analytical tools for use in investment and asset management, asset and risk allocation, fund and manager due diligence, portfolio construction, risk measurement, operations and investor communications, based upon use of the mark since at least as early as January 2003.

6. Rock Creek Group's mark "THE ROCK CREEK GROUP" is symbolic of the extensive goodwill and recognition built up by Rock Creek Group through continuous use of said mark over a substantial period of time.

7. Rock Creek Group has expended considerable effort and expense in promoting its mark "THE ROCK CREEK GROUP" and the services provided under such mark, with the result that the relevant public has come to know, rely upon, and recognize the services of Rock Creek Group by such mark. Rock Creek Group has exceedingly valuable goodwill established in its mark.

8. Application Serial No. 85/433339 for registration of the mark “ROCK CREEK GLOBAL ADVISORS LLC & Design” was filed on September 27, 2011 based upon Applicant’s bona fide intent to use said mark. Subsequently, Applicant filed an Amendment to Allege Use of its mark, claiming a first use date of November 1, 2011. Thus, Rock Creek Group actually began using its “THE ROCK CREEK GROUP” mark more than 8 years prior to the filing date of Applicant’s application and the date Applicant began to use its mark.

9. Rock Creek Group’s mark “THE ROCK CREEK GROUP” and Applicant’s mark “ROCK CREEK GLOBAL ADVISORS LLC & Design” are virtually identical, given that the applicant has entered a disclaimer of the term “GLOBAL ADVISORS LLC.” The dominant terms in each mark are “ROCK CREEK.”

10. The services which are identified in Rock Creek Group’s application for its mark “THE ROCK CREEK GROUP” are closely related to the services identified in the Applicant’s application to register “ROCK CREEK GLOBAL ADVISORS LLC & Design,” and on information and belief, will be marketed through the same or similar channels of trade or to the same or similar class of consumers. The disclaimed portion of Applicant’s mark (“GLOBAL ADVISORS”) describes components of the services provided by the Rock Creek Group under its mark “THE ROCK CREEK GROUP,” as the Rock Creek Group provides global advice to its clients.

11. The Rock Creek Group advisory board is comprised, among others, of academics, former Bank of England officials and a Pulitzer Prize winning financial historian. Such individuals are not asset managers, but rather are global international finance experts who regularly deal with sophisticated institutions and have delivered for Rock Creek Group clients

services substantially similar to the services listed in the Applicant's application. Such individuals are the type of people with which Applicant would want to be affiliated.

12. By reason of Rock Creek Group's extensive use of the "THE ROCK CREEK GROUP" mark, the public has believed and will believe that the Applicant's use of its mark "ROCK CREEK GLOBAL ADVISORS LLC & Design" is sponsored or approved by Rock Creek Group and that the quality of the services bearing the Applicant's mark has been approved and/or maintained by Rock Creek Group.

13. On information and belief, Applicant is not SEC-registered nor otherwise subjected to financial-sector regulatory oversight. The public has come to expect that services offered under Rock Creek Group's mark "THE ROCK CREEK GROUP" are provided within an institutional framework registered with, and overseen by, the SEC and other financial-sector regulators. Rock Creek Group has suffered harm and will continue to suffer harm if the public is confused that Applicant's services offered under its mark "ROCK CREEK GLOBAL ADVISORS LLC & Design" emanate from Rock Creek Group and are provided by international financial experts who are not under the purview of a regulatory body like the SEC.

14. In view of these similarities, Applicant's use of the mark "ROCK CREEK GLOBAL ADVISORS LLC & Design" has caused confusion and is likely to continue to cause confusion, mistake, or deception with respect to Rock Creek Group's mark "THE ROCK CREEK GROUP" and to damage the goodwill represented and symbolized by the mark.

15. Based on the foregoing, Applicant's registration of the mark "ROCK CREEK GLOBAL ADVISORS LLC & Design" on the Principal Register of the United States Patent and Trademark Office has caused and will clearly cause injury and damage to Rock Creek Group.

WHEREFORE, Rock Creek Group prays that this opposition be sustained and that registration of Applicant's mark "ROCK CREEK GLOBAL ADVISORS LLC & Design" as shown in Application Serial No. 85/433339 be refused.

Respectfully submitted,

THE ROCK CREEK GROUP, LP



Michael J. Bevilacqua

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Barbara A. Barakat

Reg. No. 32,190

Attorneys for Opposer

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June 19, 2012

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing NOTICE OF OPPOSITION was served this 19th day of June 2012, upon:

Julia M. Chester, Esq.
Sidley Austin LLP
STE 3400
717 N Harwood
Dallas, Texas 75201

by first-class mail, postage prepaid.



Barbara A. Barakat